



ELEVATOR SAFETY BOARD MEETING

MARCH 22, 2006

**LOCATION: MISSOURI DIVISION OF FIRE SAFETY, 2401 E MCCARTY STREET
JEFFERSON CITY, MISSOURI**

BOARD MEMBERS PRESENT

**John McNerney
George Lodes
J A Marchack
Suzan Mehalko
Gerri Kielhofner
Kay Donovan
Wilson Winn**

STAFF PRESENT

**Randy Cole, State Fire Marshal
Greg Carroll, Asst. State Fire Marshal
Larry Watson, Deputy Chief Elev Safety
Amiee Forck, Elevator Safety Unit
Vince Daus, State Elevator Inspector
Bill Jamison, State Elevator Inspector
Wendy Eiss, State Elevator Inspector
Ron Evans, State Elevator Inspector
Dan Daniels, State Elevator Inspector
Jill Lahue, Dept. of Public Safety**

BOARD MEMBERS ABSENT

**Mark James, Director of Public Safety
Tom Corso**

VISITORS

**Stephen Englemann, Verizon
Jeff Peterson, Kone
Matt & Robin Goehamn, Boulevard Apts
Dixon Liljegren, Mid America Elevator
Blackaby, Otis
Lendre Adifom, Otis
Larry Standlee, InterPark
Reidars Abud, O'Fallon Church of Christ
Todd Baever, Otis
Skip Smith, Schumacher
Paul McCoy, Schindler
Bob Kocher, Otis
Steve Herold, ThyssenKrupp**

**Steve Webor, Kone
Connell Ismah, City of University City
Greg Sacks, Superior Elevator Inspections
Kregg Kraus, Horner & Shifrin
Michael Garfinkel, Otis
Ray Volk, Senkins & Huntington
Dave Blackwell, Yarco
Mark Sieh, O'Fallon Church of Christ
John McConnell, State Inspector
Lee Smith, Schindler
Rick Ross, Globe Building Co
Rory Smith, ThyssenKrupp
Oliver Matlock, Pansing/Nolan/Matlock LTD**

I. OPEN AND WELCOME

Chairman McNerney called the meeting to order at 12:30 PM.

II. APPROVAL OF JANUARY 25, 2006 MINUTES

Mr. Lodes motioned to approve the January 25, 2006 minutes as written. Mrs. Mehalko seconded the motion. Motion passed unanimously.

III. CHIEF'S REPORT

Deputy Chief Watson advised the Board of the status of the reports being processed for the City of Kansas City. The office staff has worked on simplifying the process and has billed reports through August 2005. Entry of all other inspection reports has been caught up to a 2 to 3 week processing time frame. The back log of inspections that had been reported previously has been completed.

Deputy Chief Watson advised the Board he would like to schedule a meeting for ASME Code review within the next two months to review the new codes for adoption. The consensus of the Board is to schedule a meeting for April 19, 2006.

IV. VARIANCE REQUEST UNIVERSITY CITY HALL

The location is requesting variances to allow for insufficient overhead clearance in the machine room, to allow the roof structure bisecting the machine room and allow the fire suppression drain line in the machine room.

Mrs. Donovan motioned to grant the variance on insufficient overhead clearance in the machine room. Mr. Marchack seconded the motion. Motion passed unanimously.

Mr. Winn motioned to grant the variances to allow the roof structure bisecting the machine room and allow the fire suppression drain line in the machine room.

V. VARIANCE REQUEST VERIZON

The location is requesting a variance on not installing a pit ladder.

Mr. Marchack motioned to deny the request and request a ladder be installed even if it is non code compliant. Mr. Lodes seconded the motion. Motion passed unanimously.

VI. VARIANCE REQUEST BOULEVARD APARTMENTS

The location is requesting a variance on insufficient electrical clearances in the machine room.

Mr. Lodes motioned to grant the variance provided the insufficient overhead clearance is marked.

VII. VARIANCE REQUEST ORRICK COMMUNITY CENTER

The location is requesting a variance to install a vertical platform lift that exceeds the travel distance of 12-ft. The ASME A18.1 2003 Code will allow a travel distance of up to 14-ft.

Mr. Winn motioned to grant the variance. Mrs. Donovan seconded the motion. Motion passed unanimously.

VIII. VARIANCE REQUEST CONCORDIA SEMINARY- PERMIT No. 17847

The location is requesting variances to allow the HVAC duct to run through the machine room of an existing building and insufficient overhead clearance.

Deputy Chief Watson commented, "If they install a vent in the ductwork it would be considered part of the machine room and the only issue would be the overhead clearance."

Mr. Winn motioned to grant a variance to allow the HVAC supply in the machine room. Mrs. Mehalko seconded the motion. Motion passed 6 to 1. Mr. Winn, Mrs. Mehalko, Mrs. Kielhofner, and Mrs. Donovan, Mr. Marchack and Chairman McNerney voted "Yea." Mr. Lodes voted "Nay."

IX. VARIANCE REQUEST INTERPARK STADIUM

The location is requesting a variance to allow the traveling cables to remain as installed running up the side of the elevator cars.

Mr. Marchack motioned to grant the variance to allow the traveling cable to remain as installed. However, if the units are ever modernized or the cars changed the traveling cables shall be corrected. Mr. Lodes seconded the motion. Motion passed unanimously.

X. VARIANCE REQUEST OLDE OAK TREE APARTMENTS- INDEPENDENCE

The location is requesting a variance on not isolating a drain line from the machine room of an existing building. The location is under renovation and there is no way to move the drain line out of the machine room.

Mr. Lodes motioned to grant the variance. Mr. Marchack seconded the motion. Motion passed unanimously.

XI. VARIANCE REQUEST O'FALLON CHURCH OF CHRIST

The location is requesting a variance on not installing a pit ladder.

Mrs. Donovan motioned to deny the motion with the stipulation a non-compliant ladder will be provided to access the pit. Mrs. Kielhofner seconded the motion. Motion passed unanimously.

XII. VARIANCE REQUEST THE GLOBE BUILDING- ST. LOUIS

The location is requesting a variance on not installing car gates.

Upon discussion with the representative for the location it was discovered the elevator is exempt from state regulation and the Board had no jurisdiction.

XIII. VARIANCE REQUEST SOUTHEAST MISSOURI HOSPITAL - CAPE GIRARDEAU

The location is requesting a variance for equipment projecting above the car top.

Mrs. Donovan motioned to deny the variance. Mrs. Mehalko seconded the motion. Motion passed 5 to 1. Mrs. Donovan, Mrs. Mehalko, Chairman McNerney, Mr. Lodes, and Mr. Winn voted "Yea." Mrs. Kielhofner voted "Nay." Mr. Marchack abstained from voting.

XIV. DISCUSSION OF MACHINE ROOM LESS ELEVATOR INSTALLATIONS

Deputy Chief Watson brought everyone up to date on the situation occurring with the machine roomless elevators. Approximately one week prior to the Elevator Safety Board meeting a meeting was held at the governor's office. ASME Code A17.1 addresses the majority of the issues pertaining to machine room less installations with the exception of the ropes on some units.

Mr. Cole commented, "Copies of minutes from the ASME Code meetings regarding alternate means of suspension or hiring an independent party to conduct an independent study were suggested by the Governor's Office."

Mr. Smith with Schindler commented, "Three companies have units with steel ropes and sheaves that comply with ASME 1996 code currently adopted by the State of Missouri."

Mr. Wilson asked, "Have any other companies had any problem with rope issues?" Deputy Chief Watson replied, "Not that I am aware."

Mr. Smith commented, "I should be able to get information on the ballot that has been approved, but then was put on hold due to the incident in Ohio. The meetings are held in Phoenix and San Francisco have focused on coming up with language to prevent this from occurring in the future. Alternate Suspension means will be a separate part of the ASME Code."

Mr. Cole commented, "Verbage from an ASME ballot would be very helpful. We need information in simple language. Does this separate part include Kevlar ropes? Is it a specific problem for a certain manufacturer and not necessarily the rope? If the Board continues to grant variances outside the Code we need to ensure there is justification as to why we are allowing the machine roomless installations."

Mr. Marchack commented, "New technology will always be out in the field. There is no guarantee a new product will not have problems or failures. How do we know the fix is going to correct the problem if we do not have an independent company conduct a study? We have to re-evaluate these installations."

Mr. McNerney commented, "Yet there is legislation in place that exempts elevator equipment, which has killed three people and injured two."

Mr. Winn commented, "The only reason we are discussing machine roomless elevators is because of one particular problem with one manufacturer's product. Based on the retro fit seen earlier today, I think we should continue with the installations."

Mr. Lodes commented, "All the failures occurred during a testing phase not while the general public were riding the units. The general public has not been on the units during operation. The problem occurred due to software issues not during normal operating conditions."

Mr. Marchack commented, "I do not feel the products are unsafe."

Mrs. Donovan commented, "I agree with Mr. Marchack."

Mrs. Kielhofner commented, "I agree with Mr. Winn, there is no problem with the new technology. Elevator companies are putting in a safe product. As a matter of fact I encourage the installations on my projects."

Mrs. Mehalko commented, "After witnessing the test this morning and seeing the car fail safely to where no one would be injured. I feel the units should be allowed to be installed."

Mrs. Donovan commented, "I agree, they are new units and everyone runs into issues with new products."

Mr. Carroll commented, "I agree public safety comes first if technology is not safe it is not safe. Engineers look at what is most cost effective. Most companies do not want an unsafe product on the market. Unfortunately, we have to explain this to laymen. An elevator is an elevator and we are going to have to be the experts for the laymen. People are afraid of what they do not understand. Decisions the Board makes go to the layman and they want to make sure it is safe. Not only safety, but the perception of safety."

Ms. Lahue commented, "You need to understand where they are coming from. We need help in order to explain the situation to people. Why would you grant a variance on an item that is not approved? Get some evidence to take to them and show why they would accept these types of installations. We need the third party information."

Mr. Roy Smith commented, "The alternate suspension information should be available to the State. The State should be able to get ASME Code information also. We can get the independent study information to Mr. Cole and possibly the ASME Code information."

Ms. Lahue commented, "We need to be able to show the products are safe and the public needs to understand the products are safe. A copy of information showing the units are safe is what is needed."

Chairman McNerney asked, "Can we also present the information on the legislative exemption that occurred in 2002? That change has caused three deaths and two injuries in Missouri. "

Skip commented, "I agree with the point, but I believe it would be a mistake to co-mingle the two issues."

Mr. Kocher asked, "I assume all the information from our presentations is still available?" Deputy Chief Watson replied, "Yes."

Mr. Cole asked, "How many machine roomless installations have been installed?"

Mr. Smith commented, "Schindler has approximately 50,000 in operation world-wide without incident."

Skip commented, "Kone has approximately 140,000 world-wide. Every state in the nation has used the variance process to allow machine roomless units."

Mr. Winn motioned to re-affirm all previous decisions regarding machine roomless elevators. Mr. Lodes seconded the motion. Motion passed unanimously.

Deputy Chief Watson commented, "The car has to be locked into position from the top of the car, has to remove power to the unit in order to work from the top of the car."

Mr. Winn motioned to approve the variance requests for all machine roomless installations on the agenda. The units shall have a mechanism to lock out power while someone is working from the top of the car.

XV. VARIANCE REQUEST SCHREIBER FOODS- MONETT

The location is requesting a variance to transfers prior variances granted to the new building owners. The occupancy and use of the building is not going to change it is a change in ownership only.

Mr. Marchack motioned to grant the variance provided the building occupancy and usage does not change. Mrs. Kielhofner seconded the motion. Motion passed unanimously.

XVI. VARAINCE REQUEST COLUMBIA HEALTH CARE

The location is requesting variances to allow insufficient overhead clearance in the machine room and on not enclosing the elevator equipment in the machine room.

Mr. Marchack motioned to grant the insufficient overhead clearance provided the low area is marked with signage or caution tape. Mrs. Donovan seconded the motion. Motion passed unanimously.

Mrs. Donovan motioned to grant not enclosing the elevator equipment. Mr. Marchack seconded the motion. Motion passed unanimously.

XVII. DISCUSSION ON HOUSE BILL 1153

Chairman McNerney advised the Board of the proposed changes to the Elevator Safety Board HB 1153 was implementing. HB 1153 was proposing the addition of an elevator installer and removal of a board member representing the elevator manufactures. Chairman McNerney revised the proposal to add two new board members one an elevator installer and the other a mechanical engineer. He requested approval from the Board on adding the two new members.

Mr. Marchack motioned to accept the draft and any presentations required to pass the revised draft. Mrs. Kielhofner seconded the motion. Motion passed unanimously.

XVIII. REVIEW OF GREGORY SACKS ACCEPTANCE INSPECTION AT FLORISSANT VALLEY COMMUNITY COLLEGE

Deputy Chief Watson advised the Board the unit at Florissant Valley Community College was red tagged this year because the governor was installed backwards on the unit. He would like an explanation as to how the unit was approved for operation with the governor installed backwards.

Inspector Sacks commented, "First of all I want everyone to know that I take this job very seriously. ThyssenKrupp Access out of St. Louis had someone in for part of the installation, then Access Home Elevator completed the installation. I only dealt with Access Home elevator. I was there for the full load test and the unit operated just fine. I am not sure why the unit did not work this time, but I made the mechanic pull the out board. I have no explanation for it. I was there three separate

times. I was there and witnessed them seal the relief valve and the governor. The unit was installed in 2005.

Mr. Marchack questioned how the governor set if it was installed backwards.

Mr. Winn asked, "So you are saying at the time of the acceptance it functioned properly?" Inspector Sacks replied, "Yes."

Deputy Chief Watson commented, "Access Home Elevator was subcontracted to complete the work."

Mr. Marchack asked, "Do we have a reason why the work was subcontracted?" Inspector Sacks replied, "None that he is aware of."

Mr. Cole asked, "What does it take to change this item? Is it something the owner of the building would know had been changed?" Deputy Chief Watson replied, "Not likely."

Inspector Sacks commented, "The first inspection I conducted in April 2005, I presented an entire list of items to be corrected."

Mr. Marchack asked, "What is your background with this type of equipment?" Inspector Sacks replied, "I used to install this type of equipment."

Mrs. Donovan and Deputy Chief Watson reviewed the acceptance report and the annual inspection report for the Board.

Mr. Marchack commented, "I am bothered by this situation. I am not saying you couldn't miss something like the governor installed backwards and the safeties setting, but I have never heard of this situation. You are positive in your mind the governor operated with a full load and the safeties set? If the governor was backwards how did it set?"

Deputy Chief Watson questioned and commented, "When it set was it a free fall set or manual set? The unit should not have been set manually on an acceptance test."

Inspector Sacks commented, "I have gone over several different scenarios trying to figure out how the governor came to be backwards and I cannot figure out what happened."

Mrs. Donovan commented, "Should there be a test report verifying the full load test was completed. Request a copy of the report."

Inspector Sacks commented, "I use a check list and have had two or three quality control checks. I do the best possible inspections possible and am very safety oriented. I have a letter from the mechanic certifying he tested and I witnessed the test."

Mr. Winn commented, "This is a situation we take very seriously; however there is not enough proof to discipline this inspector at this time. If this type of situations continues to occur Inspector Sacks will need to be brought back before the board."

Mrs. Donovan motioned not to take any action against Inspector Sacks at this time as there is not proof of negligence. Mr. Winn seconded the motion. Motion passed four to three. Mrs. Donovan, Mr.

Winn, Mrs. Kielhofner and Mrs. Mehalko voted "Yea." Mr. Lodes, Chairman McNerney and Mr. Marchack voted "Nay."

Inspector Sacks commented, "I assure you I take this seriously and have lost a lot of sleep over this problem. I do my best to conduct a safe inspection."

XIX. SCHEDULE NEXT MEETING

DATE/TIME: Wednesday April 26, 2006 9:30 AM
LOCATION: Missouri Division of Fire Safety
2401 E McCarty Street
Jefferson City, MO 65101